IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

KAMERON IRBY   PLAINTIFF

v.   3:20CV00045-LPR-JTK

MARTY BOYD, et al.   DEFENDANTS

ORDER

Plaintiff Irby is an inmate who filed a Complaint (Doc. No. 1) pursuant to 42 U.S.C. § 1983 but did not submit the $400.00 filing fee or an in forma pauperis (IFP) Motion.

Under the Prison Litigation Reform Act ("PLRA"), a prisoner who is permitted to file a civil action in forma pauperis still must pay the full statutory filing fee of $350.[1] 28 U.S.C. § 1915(b)(1). The only question is whether a prisoner will pay the entire filing fee at the initiation of the proceeding or in installments over a period of time. Ashley v. Dilworth, 147 F.3d 715, 716 (8th Cir. 1998). Even if a prisoner is without assets and unable to pay an initial filing fee, he/she will be allowed to proceed with his/her §1983 claims and the filing fee will be collected by the Court in installments from the prisoner's inmate trust account. 28 U.S.C. § 1915(b)(4). **If the prisoner's case is subsequently dismissed for any reason, including a determination that it is frivolous, malicious, fails to state a claim, or seeks monetary relief against a defendant who is immune from such relief, the full amount of the $350 filing fee will be collected and no portion of this filing fee will be refunded to the prisoner.**

The PLRA requires a Plaintiff to submit a proper and complete Motion to Proceed In Forma

---

[1] Effective May 1, 2013, the statutory filing fee for civil actions increased to $400, due to the implementation of a $50 administrative fee. This $50 fee does not, however, apply to in forma pauperis actions.
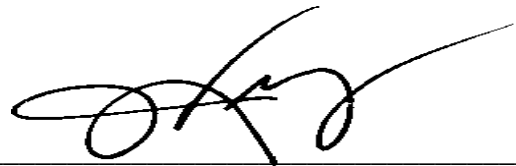
<u>Pauperis</u>, along with calculation sheet prepared and signed by an authorized officer of the detention center.   Plaintiff Irby must submit, within thirty (30) days from entry of this Order, either: (1) the statutory filing fee of $400; or (2) a proper and complete IFP Motion, **with the required calculation sheet signed by an authorized official of the detention center at which he is confined**. Plaintiff also must submit a signed copy of the Complaint.   Accordingly,

IT IS THEREFORE ORDERED that:

1.   Plaintiff Irby must submit either the $400 statutory filing fee or an <u>In</u> <u>Forma</u> <u>Pauperis</u> Motion within thirty days of the entry date of this Order,[2] and a signed copy of the Complaint.

2.   The Clerk is directed to send to Plaintiff an <u>In</u> <u>Forma</u> <u>Pauperis</u> Motion, together with the filing fee calculation sheet and a copy of the Complaint.

IT IS SO ORDERED this 6th day of February, 2020.

_____
JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE

---

[2] The Plaintiff is hereby notified of his responsibility to comply with the Local Rules of the Court, including Rule 5.5(c)(2), which states: "... If any communication from the Court to a <u>pro</u> <u>se</u> plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding <u>pro</u> <u>se</u> shall be expected to be familiar with and follow the Federal Rules of Civil Procedure."